



ADMINISTRATION AND
MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE

1950 DEFENSE PENTAGON
WASHINGTON, DC 20301-1950

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MEMORANDUM FOR COMMITTEE MANAGEMENT SECRETARIAT
GENERAL SERVICES ADMINISTRATION

SUBJECT: Committee Charter and Membership Balance Plan Consultation – *Department of Defense Wage Committee*

The Department of Defense, pursuant to the Federal Advisory Committee Act of 1972, as amended, intends to reestablish the charter for the *Department of Defense Wage Committee* (attached). The Committee will operate under the provisions of the Federal Advisory Committee Act of 1972, as amended and in accordance with 41 CFR § 102-3.50.

Prior to filing the Committee's charter with the Library of Congress and the appropriate congressional committees the Department of Defense respectfully requests that the Committee Management Secretariat review and approve the proposed charter and membership balance plan (attached). Both documents has been reviewed and approved by the Office of the General Counsel for the Department of Defense.

If you should have any questions about this charter please contact, Len O'Reilly, at 703-692-5949.

James D. Freeman II
Advisory Committee Management
Officer for the Department of Defense

Attachments
Proposed Charter
Proposed Membership Balance Plan

CHARTER
DEPARTMENT OF DEFENSE WAGE COMMITTEE

1. Committee's Official Designation: The Committee shall be known as the Department of Defense Wage Committee (hereinafter referred to as "the Committee").
2. Authority: The Secretary of Defense, under the provisions of 5 C.F.R. § 532, Federal Wage System (Public Law 92-392), the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), and 41 C.F.R. § 102-3.50(a) (required by statute), established the Committee.
3. Objectives and Scope of Activities: The Committee shall provide independent advice and recommendations on matters relating to the conduct of wage surveys and the establishment of wage schedules for all appropriated fund and non-appropriated fund wage areas, as set out in paragraph 4 below.
4. Description of Duties: The Committee, under the provisions of 5 C.F.R. §§ 532.243, 532.209, 532.227 and Appendix A; FACA; the Federal Wage System (Public Law 92-392); and the Office of Personnel Management Operating Manual, Federal Wage System, Appropriated and Non-Appropriated Fund, shall provide the Secretary and Deputy Secretary of Defense, through the Under Secretary of Defense for Personnel and Readiness (USD(P&R)), independent advice and recommendations on all matters relating to the conduct of wage surveys and the establishment of wage schedules for all appropriated fund and non-appropriated fund wage areas of blue-collar employees within the Department of Defense (DoD).
5. Agency or Official to Whom the Committee Reports: The Committee shall report to the Secretary and Deputy Secretary of Defense, through the USD(P&R). The USD(P&R) may act upon the Committee's advice and recommendations.
6. Support: The DoD, through the USD(P&R) and the Defense Human Resources Activity, Civilian Personnel Management Service, Wage and Salary Division, shall provide support services as deemed necessary for the performance of the Committee's functions, and shall ensure compliance with the requirements of FACA, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b) (hereinafter referred to as "the Government in the Sunshine Act"), governing Federal statutes and regulations, and established DoD policies/procedures.
7. Estimated Annual Operating Costs and Staff Years: The estimated annual operating cost, to include travel, meetings, and contract support, is approximately \$60,000.00. The estimated annual personnel costs to the DoD are 0.3 full-time equivalents.
8. Designated Federal Officer: The Committee's Designated Federal Officer (DFO), pursuant to DoD policy, shall be a full-time or permanent part-time DoD employee, and shall be appointed in accordance with established DoD policies/procedures.

In addition, the Committee's DFO is required to be in attendance at all Committee and subcommittee meetings for the entire duration of each and every meeting. However, in the absence of the Committee's DFO, a properly approved Alternate DFO, duly appointed to the Committee according to DoD policies/procedures, shall attend the entire duration of the Committee or subcommittee meeting.

The DFO, or the Alternate DFO, shall call all of the Committee's and subcommittee's meetings; prepare and approve all meeting agendas; adjourn any meeting, when the DFO or Alternate DFO determines adjournment to be in the public interest or required by governing regulations or DoD policies/procedures; and chair meetings when directed to do so by the official to whom the Committee reports.

9. Estimated Number and Frequency of Meetings: The Committee shall meet at the call of the Committee's DFO, in consultation with the Chairperson. The estimated number of Committee meetings is twenty-six per year.
10. Duration: The need for this advisory function is on a continuing basis; however, this charter is subject to renewal every two years.
11. Termination: The Committee shall terminate upon completion of its mission or two years from the date this charter is filed, whichever is sooner, unless the Secretary of Defense or his designee extends it.
12. Membership and Designation: The Committee, consistent with 5 C.F.R. § 532.227, shall be composed of seven members - a chairperson and six additional members. Committee members shall be appointed by the Secretary of Defense and their appointments will be renewed on an annual basis.

Those members, who are not full-time or permanent part-time Federal officers or employees, shall be appointed to serve as experts and consultants under the authority of 5 U.S.C. § 3109 and serve as special government employees. Each Committee member is appointed to provide advice on behalf of the government on the basis of his or her best judgment without representing any particular point of view and in a manner that is free from conflict of interest. With the exception of travel and per diem for official Committee related travel, Committee members shall serve without compensation, unless authorized by the Secretary of Defense.

The Secretary of Defense may approve the appointment of Committee members for one-to-two year terms of service, with annual renewals; however, no member, unless authorized, by the Secretary of Defense, may serve more than two consecutive terms of service.

13. Subcommittees: The Department, when necessary and consistent with the Committee's mission and DoD policies/procedures, may establish subcommittees, task groups, or working groups to support the Committee. Establishment of subcommittees will be based upon a written determination, to include terms of reference, by the Secretary of Defense, the Deputy Secretary of Defense, or the Committee's sponsor.

These Subcommittees shall not work independently of the chartered Committee, and shall report all of their recommendations and advice solely to the Committee for full deliberation and discussion. Subcommittees have no authority to make decisions and recommendations, verbally or in writing, on behalf of the chartered Committee; nor can any Subcommittee or its members update or report directly to the DoD or any Federal officers or employees.

All Subcommittee members shall be appointed in the same manner as the Committee members; that is, the Secretary of Defense shall appoint Subcommittee members even if the member in question is already a Committee member. Subcommittee members, with the approval of the Secretary of Defense, may serve a term of service on the Subcommittee of one-to-two years; however, no member shall serve more than two consecutive terms of service on the Subcommittee, unless authorized by the Secretary of Defense.

Subcommittee members, if not full-time or permanent part-time government employees, shall be appointed to serve as experts and consultants under the authority of 5 U.S.C. § 3109, and shall serve as special government employees, whose appointments must be renewed by the Secretary of Defense on an annual basis. With the exception of travel and per diem for official Committee-related travel, Subcommittee members shall serve without compensation.

Each Subcommittee member is appointed to provide advice on behalf of the government on the basis of his or her best judgment without representing any particular point of view and in a manner that is free from conflict of interest.

All Subcommittees operate under the provisions of FACA, the Government in the Sunshine Act, governing Federal statutes and regulations, and governing DoD policies/procedures.

14. Recordkeeping: The records of the Committee and its Subcommittees shall be handled according to section 2, General Records Schedule 26, and governing DoD policies and procedures. These records shall be available for public inspection and copying, subject to the Freedom of Information Act of 1966 (5 U.S.C. § 552, as amended).

15. Filing Date:

Membership Balance Plan
Department of Defense Wage Committee

Agency: Department of Defense (DoD)

1. **Authority:** The Secretary of Defense, under the provisions of 5 C.F.R. § 532, Public Law 92-392, the Federal Advisory Committee Act of 1972 (FACA) (5 U.S.C., Appendix, as amended), and 41 C.F.R. § 102-3.50(a) (required by statute), established the Department of Defense Wage Committee (hereafter referred to as "the Committee").
2. **Mission/Function:** The Committee, under the provisions of 5 C.F.R. §§ 532.243, 532.209, 532.227 and Appendix A; FACA; and the Office of Personnel Management Operating Manual, Federal Wage System, Appropriated and Non-Appropriated Fund, shall provide independent advice and recommendations to the Secretary of Defense, through the Under Secretary of Defense for Personnel and Readiness (USD(P&R)), on matters relating to the conduct of wage surveys and the establishment of wage schedules for all appropriated fund and non-appropriated fund wage areas of blue-collar employees within the DoD.
3. **Points of View:** The Committee shall be comprised of a seven members – a chairperson and six additional members. The chairperson shall be appointed by the Secretary of Defense.

The remaining six positions consist of two labor organization representatives and four members who are regular government employees and are divided into two broad categories – labor and management. Each category has two voting members; in the case of management category the two voting members will change depending upon which two DoD Components, as determined by the chairperson, have the largest number of wage employees in the wage areas under consideration.

Those individuals representing the labor organizations are selected by the labor organizations to provide the committee with the points of view of nongovernment entities or a recognizable group of persons that have interests in the subject matter under consideration by the Committee. Whereas, those individuals, to include the chairperson, who represent the DoD Components, and are regular government employee members are appointed by the Secretary of Defense to exercise their own individual best judgment on behalf of the government.

The DoD may appoint additional experts and consultants to act as subject matter experts or to provide advice to the committee. However, these individuals, regardless of whether they are special government or regular government employees, are prohibited from participating in any deliberative matters or voting on any matters before the committee unless they have been invited to sit on the committee according to governing statutes and regulations.

4. **Other Balance Factors:** N/A
5. **Candidate Identification Process:** The Department, in selecting potential candidates for this Committee, reviews the educational and professional credentials of individuals with extensive professional experience in the area of on matters relating to the conduct of wage surveys and the establishment of wage schedules for all appropriated fund and non-appropriated fund wage areas of blue-collar employees within the DoD. The potential regular government employee candidates are

Membership Balance Plan

Department of Defense Wage Committee

from the DoD and those Components with the largest number of wage employees within DoD and are identified by senior DoD officials, the Military Departments, and the Defense Logistics Agency.

The remaining two candidates are representatives of the two labor organization having the largest number of wage employees covered by exclusive recognition in the DoD. Each labor organization selects one individual to represent it and its stakeholders.

Once potential candidates are identified, the Designated Federal Officer (DFO) forwards the list to the USD(P&R) for review and formal nomination to the Secretary of Defense. During the USD(P&R)'s review, he or she strives to achieve a balance between the educational and professional credentials of the individuals and the anticipated subject matters that will be reviewed by the Committee to achieve expertise in points of view regarding anticipated topics.

Prior to nominating the potential candidates, the list of candidates will undergo a review by the DoD Office of General Counsel and the Office of the Advisory Committee Management Officer to ensure compliance with Federal and DoD governance requirements, including compliance with the Committee's charter and membership balance plan. Following this review, the USD(P&R) formally nominates the potential candidates to the Secretary of Defense for approval. Pursuant to DoD policy, only the Secretary of Defense or the Deputy Secretary of Defense can invite or approve the appointment of individuals to advisory committees established or supported by the DoD.

Following approval by the Secretary or Deputy Secretary of Defense, the candidates are required to complete the necessary appointment paperwork, to include meeting ethics requirements stipulated by the Office of Government Ethics for advisory committee members.

The Secretary of Defense may approve the appointment of Committee members for one-to-two year terms of service, with annual renewals; however, no member, unless authorized by the Secretary of Defense, may serve more than two consecutive terms of service. This same terms of service limitation also applies to any DoD authorized subcommittees for the Committee.

Committee and subcommittee member vacancies will be filled in the same manner as described in the previous six paragraphs.

- 6. Subcommittee Balance:** The DoD, when necessary and consistent with the Committee's mission and DoD policies and procedures, may establish subcommittees to support the Committee.

The Secretary of Defense or the Deputy Secretary of Defense shall approve the appointment of subcommittee members in the same manner as Committee appointments are made. These individuals may come from the parent committee or new nominees, as recommended by the Committee's sponsor and based upon the subject matter under consideration. Subcommittee members, if not full-time or permanent part-time government employees, shall be appointed to serve as experts and consultants under the authority of 5 U.S.C. § 3109 and shall serve as special government employees, whose appointments must be renewed by the Secretary of Defense on an annual basis.

Membership Balance Plan
Department of Defense Wage Committee

7. **Other:** The DoD adheres to the rules and regulations issued by the Office of Government Ethics and the Administration's prohibition against registered Federal lobbyists.

8. **Prepared:**